

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that this correspondence for Application No. 10/774,352 is being electronically transmitted to Technology Center 1722, via EFS-WEB, on October 23, 2006.

/William R. Allen/  
William R. Allen, Reg. No. 48,389

October 23, 2006  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	Scharninghausen et al.	Confirmation No.:	5252
Serial No.:	10/774,352		
Filed:	February 6, 2004		
Examiner:	Joseph S. Del Sole		
Art Unit:	1722		
Title:	PORTIONING DEVICE FOR FOODSTUFFS		
Attorney Docket:	ESN-45		

Cincinnati, OH 45202

October 23, 2006

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT UNDER 37 CFR § 1.111**

In response to the non-final Office Action of June 23, 2006, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims that begins on page 2 of this paper.

**Amendments to the Drawings** begin on page 5 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

**Remarks** begin on page 6 of this paper.

**An Appendix** including amended drawing figures is attached following page 11 of this paper.